

BEXAR COUNTY



EXECUTIVE ORDER NW-08 OF COUNTY JUDGE NELSON W. WOLFF
ISSUED May 19, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Bexar County Judge Nelson W. Wolff declared a state of local disaster on March 13, 2020 due to imminent threat arising from COVID-19;

WHEREAS, in accordance with Texas Government Code Section 418.108(b), on March 18, 2020, the Bexar County Commissioners Court approved an Order Continuing Declaration of State of Local Disaster for Bexar County (hereafter, the "*Order of Continuation of Declaration*");

WHEREAS, in accordance with Texas Government Code Section 418.108(b), the consent by Commissioners Court authorizes the Bexar County Judge to continue to exercise the powers granted by the Texas Disaster Act of 1975 for the period specified in the Order of Continuing Declaration;

WHEREAS, on March 13, 2020, Texas Governor Greg Abbott issued a declaration of public health disaster in and for the State of Texas and on March 19, 2020, the Texas Department of State Health Services issued a declaration of a public health disaster in the State of Texas for the first time since 1901;

WHEREAS, on March 18, 2020 the Bexar County Commissioners Court approved the Order of Continuation of Declaration and authorized the Bexar County Judge to take such actions as are necessary in order to protect the health, safety and welfare of the citizens of Bexar County by the issuance of executive order ("*Executive Order*");

WHEREAS, the County Judge has determined that extraordinary emergency measures must be taken to mitigate the effects of this public health emergency and to facilitate a response to the public health threat;

WHEREAS, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and occupancy of premises on an appropriate local scale in accordance with Section 418.108(g) of the Texas Government Code and his authority as Emergency Management Director; and

WHEREAS, it is the intent of this Executive Order to remain as consistent with and to harmonize, to the extent possible, the executive orders of Governor Greg Abbott and the mandates contained in the current declaration of the Mayor of the City of San Antonio (as extended or modified);

WHEREAS, by the authority vested in me as Bexar County Judge and as the Emergency Management Director for the County of Bexar to continue to protect the health and safety of the community and address developing and rapidly changing circumstances when presented by the current public health emergency, I hereby rescind my previous Executive Orders and any Supplemental Executive Orders and issue this revised Executive Order in their place.

PURSUANT TO THE TEXAS DISASTER ACT OF 1975, BEXAR COUNTY JUDGE NELSON W. WOLFF HEREBY ISSUES THIS EXECUTIVE ORDER AS FOLLOWS:

Effective as of 12:01 a.m. on Tuesday, May 19, 2020, and continuing through 11:59 p.m. on June 4, 2020, unless extended, modified or terminated early by Bexar County Judge Nelson W. Wolff or as otherwise indicated below:

- I. In accordance with guidance the Texas Governor in his most recent executive order GA-23, every person in Bexar County shall, except where necessary to provide or obtain Covered Services (as that term is defined below), minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.
 - i) **Face Coverings.** All people 10 years or older strongly encouraged to wear a cloth face covering over their nose and mouth when in a public place or when patronizing a Covered Service where it is difficult to keep six feet away from other people such as visiting a grocery store/pharmacy or working in areas that involve close proximity with other coworkers. The CDC advises face coverings for people 2 years or older. Coverings may include homemade masks, scarfs, bandanas, or a handkerchief. Residents should continue to maintain social distancing of at least six feet while outside their residence.

Employers that qualify as Covered Services (which shall include all offices and departments of Bexar County) are strongly encouraged to provide face coverings to employees who are in an area or performing an activity which will necessarily involve close contact or proximity to co-workers or the public where six feet of separation from other individuals is not feasible.

IT IS STRONGLY RECOMMENDED THAT YOU NOT OBTAIN OR WEAR MEDICAL MASKS or N-95 RESPIRATORS AS THEY ARE A NEEDED RESOURCE FOR HEALTH CARE PROVIDERS AND FIRST RESPONDERS. Our healthcare workers and first responders on the front-line combating COVID-19 must have priority access to medical masks or other

personal protective equipment. Face coverings do not need to be worn in the following circumstances:

- When exercising outside or engaging in physical activity outside
- While driving alone or with passengers who are part of the same household as the driver
- When doing so poses a greater mental or physical health, safety, or security risk
- While pumping gas or operating outdoor equipment
- While in a building or activity that requires security surveillance or screening, for example, banks
- When consuming food or drink

Please note that face coverings are a secondary strategy to other mitigation efforts. **Face coverings are *not* a replacement for social distancing, frequent handwashing, and self-isolation when sick.** All people should follow CDC recommendations for how to wear and take off a mask. Residents should keep up the following habits while in public:

- washing hands before you leave home and when you return,
- staying at least six feet away from others,
- avoiding touching nose or face,
- not using disposable masks more than three times, and
- washing reusable cloth masks regularly to prevent the spread of the virus.

Consistent with Executive Order GA-23 issued by Governor Greg Abbott, no civil or criminal penalty will be imposed on individuals for failure to wear a face covering.

ii) **Definitions of Covered Services:**

(a) **Covered Services.** For purposes of this Executive Order, Covered Services are defined as those that are specifically set out in GA-23, incorporated herein for all purposes:

- 1) Everything listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. These Covered Services are not subject to the conditions and limitations, including occupancy or operating limits, set forth for other Covered Services.
- 2) To the extent they are not already CISA services or religious services, all Covered Services that are listed in executive order GA-23 of the Texas Governor, subject to the conditions and limitations set out therein.

Except as specifically set out in GA-23, people shall avoid visiting interactive amusement venues such as video arcades, amusement parks, or water parks, unless

these enumerated establishments or venues are specifically added as a Covered Service by proclamation or future executive order of the governor. Notwithstanding anything herein to the contrary, the governor may by proclamation add to this list of establishments or venues that people shall avoid visiting. To the extent any of the establishments or venues that people shall avoid visiting also offer Covered Services permitted above, such as restaurant services, these establishments or venues can offer only the Covered Services and may not offer any other services.

This executive order does not prohibit people from accessing Covered Services or engaging in safe daily activities, such as going to the grocery store or gas station; providing or obtaining other Covered Services; visiting swimming pools, parks, beaches, rivers, or lakes; hunting or fishing; attending youth club meetings or events; or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

- II. **Health Protocols for Covered Services.** That in providing or obtaining Covered Services, people and businesses should use good-faith efforts and available resources to follow the minimum standard health protocols recommended by the Texas Department of State Health Services as described in executive order GA-23.
- III. **Eviction Proceedings.** That Bexar County rental property owners temporarily suspend evictions until after June 1, 2020 to prevent renters from being displaced due to the public health emergency, except on the order of the Bexar County Justice of the Peace Courts under the procedures and guidelines established by those courts in circumstances which present an imminent threat of: (i) physical harm to the property owner, their employees, or other tenants, or (ii) criminal activity. Thereafter, I recommend that judges in those courts work with landlords and tenants to develop an appropriate timeline for evictions to proceed.
- IV. **Foreclosure Proceedings.** That foreclosure proceedings within Bexar County be temporarily suspended to prevent the displacement of occupants during the public health emergency until July 6, 2020.
- V. **Long-term Care Facilities.** That in order to reduce the risk of transmission of COVID 19 among vulnerable populations in long-term care facilities, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.
- VI. **Bexar County Justice Center Complex.** That the Bexar County Justice Center Complex shall have two points of access - one at the Paul Elizondo Tower at the Nueva

Street entrance and one at the Bexar County Courthouse Bexar Heritage Center entrance - and that all other county-owned or leased buildings shall have a single controlled point of entrance. Further, all citizens and employees shall be appropriately screened before entering any Bexar County owned or leased building. At the control points, citizens and employees shall be asked certain risk-related questions and their temperature taken by least obtrusive means. Any individual with a temperature exceeding 100 °F or who fails the screening process will be not be allowed to enter the building. Citizens are encouraged to call the department or office you are attempting to visit prior to visiting a county-owned or leased facility. All social distancing measures must be implemented at the above-described control points.

VII. **Bexar County Essential Business.** That residents of Bexar County conduct essential Bexar County business online or via regular mail to avoid visiting any Bexar County facilities unless absolutely necessary.

VIII. **Price Gouging.** That during the pendency of this Executive Order, no person or business entity (“*Seller*”) shall engage in price gouging by selling any of the following goods or services for more than the regular retail price the Seller charged for the goods or services on March 19, 2020, except where an increased retail price is the result of documented cost increases from suppliers or other similar cost increases (including the loss of supplier funds to support products):

- 1) Groceries, beverages, toilet articles, ice;
- 2) Restaurant, cafeteria, and boarding-house meals; or
- 3) Medicine, pharmaceutical, and medical equipment and supplies.

IX. **Bexar County Adult Detention Center.** That due to the risk of a COVID-19 outbreak in the Bexar County Adult Detention Center:

- a. I hereby direct that the Bexar County District Attorney’s Office, the Public Defender’s Office, the Office of Criminal Justice Policy, Planning & Programs, the District and County Clerks and the judiciary continue to work diligently together with the Bexar County Sheriff’s Office to identify persons whose charged offenses and backgrounds pose little to no risk to public safety and who may be eligible for pretrial release.
- b. I further direct that those offices and instrumentalities take appropriate action to provide for the immediate release of the individuals so identified in Section 11(a) above in accordance with any applicable law in order to mitigate the grave threat posed by a concentrated outbreak of COVID-19 in the facility.
- c. Under no circumstances shall this Executive Order be interpreted in a manner as to require or direct the release on personal bond of any person previously convicted of a crime that involves physical violence or the threat of physical violence, or any person currently arrested for such a crime that is supported by probable cause in violation of executive order GA 13.

- X. **Personal Illness.** That any person who is ill should stay at home and not engage in any activity outside their residence unless related to treatment or health care. If someone in a household has tested positive for COVID-19 then they must follow the isolation and quarantine measures proscribed by local, state, or federal health authorities. If a member of a household tests positive, then other members of the household should consider themselves positive if they become symptomatic and also follow the isolation and quarantine measures proscribed by local, state, or federal health authorities.
- XI. **Antibody Testing.** A number of health care providers and others have been marketing and administering COVID-19 antibody testing to consumers. If you are considering or planning an antibody test please make sure that the provider will administer an antibody test that has been approved by the Food and Drug Administration and that you will be fully informed of the test protocol and test results. The City and County will work together to protect the community from misleading or inaccurate testing practices. Before you receive an antibody test please review FDA information and guidance which can be found on <https://www.fda.gov/medical-devices/letters-health-care-providers/important-information-use-serological-antibody-tests-covid-19-letter-health-care-providers>.
- XII. **Enforcement.** Excepting Section I, Subsection (i) of this Executive Order related to face coverings, that any peace officer or other person with lawful authority is hereby authorized to enforce the provisions of this Executive Order and any person who violates this Executive Order may be subject to a fine not exceeding \$1,000.
- XIII. **Severability.** The sections, paragraphs, sentences, clauses and phrases of this Executive Order are severable and if any phrase, clause, sentence, paragraph or section of this Executive Order should be declared invalid by the final judgment or decree of any court or competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end, the provisions of this Executive Order are severable.
- XIV. **Interpretation and Additional Terms.** To the greatest extent possible, this Executive Order shall be interpreted as consistent with and supplemental to any executive order issued by the Texas Governor. All provisions of the executive orders of the Texas Governor either existing or as, if and when issued, which are made applicable to all jurisdictions by law shall be automatically incorporated into and constitute terms of this Executive Order, enforceable as if set forth herein without necessity for the issuance of any further orders.

ORDERED this 19th day of May, 2020


NELSON W. WOLFF
Bexar County Judge

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